

EXHIBIT 7

DAVIDSON

Cheekwood fires back at group of Swan Ball organizers in new legal filing



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Who owns a party?

Cheekwood Botanical Garden and Museum of Art, the longtime beneficiary of the ritzy Swan Ball, and a newly incorporated organization made up of members of the committee that has long planned the event are at odds over which of them is the true owner of Nashville's fanciest gala and its associated intellectual property.

In late July, Cheekwood struck back at the group of Swan Ball organizers that took it to court last month with a new legal filing by asserting claims of its own against the group.

When the Swan Ball Initiative, which identified itself as the legal incorporation of the Swan Ball Committee that planned the event, sued Cheekwood on July 8 and accused it of wresting control of the event's planning and operations, the suit claimed the Swan Ball had long been separate from Cheekwood. The lawsuit said the white-tie gala was created to be a party thrown by a “group of friends” who then “chose to give the proceeds” to the botanical garden.

Cheekwood, in its counterclaim against the Swan Ball Initiative filed July 30, claims the gala is inseparable from Cheekwood itself. For example, whereas the Swan Ball Initiative says the committee that planned the event was not affiliated with its beneficiary and host, Cheekwood says those committee members were Cheekwood volunteers. The botanical garden wrote in its counterclaim that its employees “oversee and are intimately involved with the planning and execution of the Swan Ball.”

The Swan Ball Initiative said Cheekwood locked Swan Ball Committee members out of bank accounts and other accounts associated with the gala earlier this year and sought a court order declaring the Swan Ball Initiative, not Cheekwood, as the owner of the accounts.

Meanwhile, Cheekwood says it "establishes the annual SWAN BALL Bank Account," which the Swan Ball Initiative, through its attorney, also disputed. Cheekwood said it began taking more control over the Swan Ball's planning to reform the event out of a concern for financial responsibility, noting that over the past three years, the Swan Ball has donated 32% of its proceeds to Cheekwood, far below industry standards of 60-70%, according to numbers shared with The Tennessean.

"SBI was not formed to address Cheekwood's concerns about financial responsibility; it was launched to seize ownership of the Swan Ball and use it to host exclusive, lavish parties at the expense of Cheekwood and its donors," a statement from Cheekwood's attorney Maia Woodhouse reads in part. "Donors do not expect their funds to be used in this manner, and certainly not under the CHEEKWOOD and SWAN BALL banner."

Chanelle Acheson, the attorney for the Swan Ball Initiative, said the arrangement between the Swan Ball Committee and Cheekwood had, until recently, been an informal one that grew organically. But she said that Cheekwood had not ever controlled the event itself.

"Cheekwood has no proof that they ever were even influential, let alone controlled, the nature and quality of the goods and services" of the Swan Ball, Acheson said. "This is a direct result of them (Cheekwood) trying to take control that they did not have previously."

The two groups each claim they are the ones who own the "Swan Ball" trademark. And when the other group uses it, they are violating trademark law, they claim. Cheekwood in its counterclaim wrote that the Swan Ball Initiative's use of the term has "created a likelihood of dilution of the distinctive quality of Cheekwood's SWAN BALL Mark and a likelihood of injury to Cheekwood's business reputation."

The rift between the group is seen in how they tell the ball's history. In the July 30 filing, Cheekwood said that the chairman of Cheekwood's board and a Cheekwood board member asked Jane Dudley in 1962 to chair the first Swan Ball, an alleged fact not included in the Swan Ball Initiative's initial lawsuit.

But the split between the two groups is most in clear in what they see as the future of the Swan Ball.

Acheson, the Swan Ball Initiative's attorney, said "Swan Ball 2025 is going forward." The Swan Ball Initiative has a venue and is narrowing down the list of potential beneficiaries, and the event's co-chairs are moving "full steam ahead to create another magical event in line with six decades of elegant galas," she said.

Cheekwood, on the other hand, says all planning has stopped.

"Cheekwood's Board of Trustees also voted to postpone and cease all planning for the 2025 Swan Ball and associated events and activities until the dispute with SBI is resolved," the counterclaim from July 30 says.

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